

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SIGNODE INDUSTRIAL GROUP LLC,

Plaintiff,

v.

SAMUEL, SON & CO., LTD. and SAMUEL, SON & CO. (USA) INC. d/b/a SAMUEL PACKAGING SYSTEMS GROUP and SAMUEL STRAPPING SYSTEMS,

Defendants.

Civil Action No. 2:24-cv-00080-JRG

**DECLARATION OF MICHAEL HOUSTON IN SUPPORT OF DEFENDANTS
SAMUEL, SON & CO., LTD.'S AND SAMUEL, SON & CO. (USA) INC.'S OPPOSITION
TO SIGNODE'S MOTION TO STRIKE SAMUEL'S TWELFTH AFFIRMATIVE
DEFENSES OF UNCLEAN HANDS, PATENT MISUSE, AND OTHER EQUITABLE
DOCTRINES**

I, Michael Houston, declare as follows:

1. I am a partner at the law firm of Foley & Lardner LLP and lead counsel of record for Samuel, Son & Co., Ltd. and Samuel, Son & Co. (USA) Inc. (“Samuel”) in the above-captioned case. I am submitting this declaration in support of Samuel’s Opposition to Signode’s Motion to Strike Samuel’s Twelfth Affirmative Defenses of Unclean Hands, Patent Misuse, and Other Equitable Doctrines.

2. Attached as **Exhibit 1** is a true and correct copy of U.S. Patent App. Pub. No. 2016/0107775, published on April 21, 2016, and filed on May 5, 2014 as U.S. Patent App. No. 14/787,966 (the “’966 Application”), by Amacker et al..

3. Attached as **Exhibits 2 and 3** are true and correct copies of Swiss applications from the USPTO Patent Center website—and their certified translations—filed on September 24, 2012 bearing Swiss Application Serial Nos. 1723/12 and 1724/12 respectively. The two untranslated Swiss applications were filed as Certified Copies of Foreign Priority Applications in the file history of U.S. Patent App. No. 14/430,163, the National Stage Entry of PCT App. No. IB2013/002116, both of which U.S. Patent No. 11,667,417 (the “’417 Patent”) asserted in this case claim priority to.

4. Attached as **Exhibit 4** is a true and correct copy of a Swiss application from the USPTO Patent Center website filed on May 5, 2013 bearing Swiss Application Serial No. 911/13. Exhibit 4 also contains a certified translation of Swiss Application Serial No. 911/13. The untranslated Swiss application was filed as a Certified Copy of a Foreign Priority Application in the file history of the ’966 Application.

5. Attached as **Exhibit 5** is a true and correct copy of Swiss Application Serial No. 443/14 filed on March 24, 2014 from the USPTO Patent Center website and its certified

translation. The untranslated Swiss application was filed as a Certified Copy of a Foreign Priority Application in the file history of the '966 Application.

6. Attached as **Exhibit 6** is a true and correct copy of the Notice of Abandonment for the '966 Application, dated October 11, 2019, from the USPTO Patent Center website.

7. Attached as **Exhibits 7, 8, 9, and 10** are true and correct copies of U.S. Patent Nos. 9,938,029, 10,370,132, 11,267,596, and 11,560,245, respectively, from the Google Patent website.

8. Attached as **Exhibit 11** is a true and correct copy of the Notice of Allowance for the '417 Patent obtained from the USPTO Patent Center website.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: October 17, 2024

/s/Michael R. Houston
Michael R. Houston